

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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|-------------------|---|------------------------------|
| In the Matter of |) | File No. EB-02-TC-085 |
| |) | |
| Time Warner Cable |) | CUID No. HI0003 (Hawaii Kai) |
| |) | |
| Refund Plan |) | |

ORDER

Adopted: July 16, 2002

Released: July 17, 2002

By the Chief, Enforcement Bureau:¹

1. In this Order we consider the refund plan filed by the above-referenced operator ("Operator")² pursuant to Order, DA 02-452³ ("Refund Order").⁴ Our review of Operator's refund plan⁵ reveals that the refund plan fulfills the requirements of the Refund Order provided Operator accrues interest up to the date of the refund.

2. Accordingly, IT IS ORDERED that Operator's refund plan IS APPROVED provided operator modifies its refund plan to the extent indicated herein, and IT IS FURTHER ORDERED, pursuant to Section 76.962 of the Commission's rules, 47 C.F.R. § 76.962, that Operator implement its refund plan within 60 days of the release of this Order.

3. IT IS FURTHER ORDERED, pursuant to Section 76.962 of the Commission's rules, 47 C.F.R. § 76.962, that Operator shall file a certificate of compliance with the Chief, Enforcement Bureau,

¹ Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

² The term "Operator" includes Operator's predecessors and successors in interest.

³ *See In the Matter of TCI of Hawaii, Inc.*, DA 02-452, 17 FCC Rcd 3591 (CSB 2002).

⁴ The Refund Order required Operator to determine the overcharges to cable programming service tier ("CPST") subscribers for the period stated in the Refund Order and file a report with the Chief, Cable Services Bureau, stating the cumulative refund amount determined (including franchise fees and interest), describing the calculation thereof, and describing its plan to implement the refund within 60 days of Commission approval of the plan.

⁵ Operator calculated a total refund liability of \$85,099.12.

within 90 days of the release of this Order certifying its compliance with this Order.

4. This action is taken pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau